

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

DESHAWN HAROLD JEWELL,

Petitioner,

Case No. 19-cv-658-pp

v.

WARDEN RANDALL R. HEPP,

Respondent.

**ORDER DENYING MOTION FOR SANCTIONS (DKT. NO. 16) AND GRANTING
MOTION FOR EXTENSION OF TIME (DKT. NO. 17)**

On May 6, 2019, the petitioner, an inmate at Fox Lake Correctional Institution who is representing himself, filed a petition for writ of *habeas corpus* under 28 U.S.C. §2254 challenging his September 2, 2015 conviction in Milwaukee County Circuit Court for armed robbery with the use of force and bail jumping. Dkt. No. 1 at 1-2. On May 14, 2019, Magistrate Judge William Duffin screened the petition, ordered the respondent to answer or otherwise respond and set a briefing schedule. Dkt. No. 5. On July 11, 2019, the respondent filed an answer to the petition according to Rule 5 of the Rules Governing §2254 Cases. Dkt. No. 9. The petitioner filed a brief in support of his petition a month later. Dkt. No. 10. The respondent asked for an extension of time to file his brief, dkt. no. 11, and the court granted that motion (extending the deadline to October 7, 2019), dkt. no. 12; the respondent filed a brief in opposition to the petition on October 7, 2019, dkt. no. 15.

Ten days later, the court received from the petitioner a motion for sanctions, dkt. no. 16, followed by a motion for an extension of time to file a reply brief, dkt. no. 17. This order denies the motion for sanctions and grants the motion for extension of time.

I. Motion for Sanctions (Dkt. No. 16)

In asking for sanctions, the petitioner asserted that “[t]he respondent was given a [thirty] day extension of time to respond to petitioner opening brief,” and that the “deadline date” was October 7, 2019. Dkt. No. 16. Concluding that “the respondent did not meet deadline date,” the petitioner asked the court to deny the respondent “the chance to respond” and to “decide this case upon the respondents answer to petition” and the petitioner’s opening brief. Id.

There is no reason for the court to impose sanctions on the respondent. The court gave the respondent a deadline of October 7, 2019 by which to file his brief, and the court received the respondent’s brief on that very day. The court will deny the petitioner’s motion for sanctions.

II. Motion for Extension of Time (Dkt. No. 17)

Under Judge Duffin’s May 14, 2019 screening order, the petitioner had until September 27, 2019 to file his reply brief in support of his petition. Dkt. No. 5. In his October 21, 2019 motion for extension of that deadline, the petitioner requests “an extension of time to file a reply brief due to getting the respondent’s response brief almost two weeks late.” Dkt. No. 17.

The court did not promptly rule on the motion; the court received the petitioner's reply brief on November 6, 2019. Dkt. No. 18. The court will grant the motion *nunc pro tunc* (dating back) to November 6, 2019, and will deem the petitioner's reply brief timely filed.

III. Conclusion

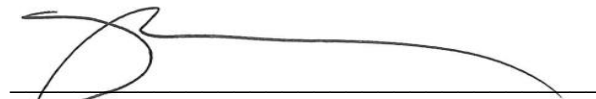
The court **DENIES** the petitioner's motion for sanctions. Dkt. No. 16.

The court **GRANTS** the petitioner's motion for extension of time, *nunc pro tunc* to November 6, 2019; the petitioner's reply (Dkt. No. 18) is deemed timely filed. Dkt. No. 17.

The court hopes to issue a decision on the petition soon.

Dated in Milwaukee, Wisconsin this 27th day of July, 2020.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge